

Testimony of

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Former acting Director of the Office of Detention and Removal Operations

Before the
Senate Judiciary Committee
Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology and
Homeland Security

Strengthening Interior Enforcement: Deportation and Related Issues

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Mr. Chairman, I would like to first thank you and the other members of the subcommittee for the opportunity to testify today. I am honored to appear before you to discuss the matter at hand.

Prior to leaving my federal post last year, I was responsible for enforcing the immigration and naturalization laws of this country for eighteen years. I began my law enforcement career as an entry-level deportation officer with the former Immigration and Naturalization Service (INS) and ended my career as the acting Director of Detention and Removal Operations within U.S. Immigration and Customs Enforcement, or ICE. I was in charge of overseeing the detention and removal efforts of criminal and illegal aliens who were in the United States.

On a personal note, I am also the son of an immigrant, and I understand why so many people have risked their lives, leaving their families, homes, and everything they know to come to the United States, all with a dream... their version of the American dream. For nearly 230 years, this country has welcomed immigrants from all walks of life and the contributions of these immigrants have built this great nation to be what it is today - a free nation.

However, while we are known worldwide as a shining beacon of light for the countless immigrants who come to our shores, we are also known as a nation where law and justice prevail. Without strict and fair enforcement of our immigration statutes, our country will remain vulnerable to the threats that arise from individuals who willingly exploit gaps in our immigration system.

The accomplishments of the men and women responsible for enforcing our nation's laws in the legacy INS and now in the Department of Homeland Security (DHS) are extraordinary. Yet, despite their patriotic efforts, the number of illegal immigrants living in the United States and coming across our borders continues to grow.

So why have our country's efforts in enforcing immigration laws fallen short of expectations after 9-11, even though Congress has provided significant increases to the budgets of the agencies responsible for carrying out this important function? The answer is simple...our law enforcement agencies dedicated to this mission have done little to develop a cohesive and comprehensive immigration enforcement strategy.

Instead of viewing the issue holistically, what you see are a number of independent programs and independent efforts competing for resources and delivering mixed results.

While immigration is a complex, emotional and political issue, the inability to understand the importance of linking the enforcement functions of the immigration bureaus to carryout a common mission and strategy is baffling.

Immigration enforcement MUST be viewed as a continuum. Effective enforcement of our immigration laws WILL NOT be achieved until all parts of the continuum are balanced and are in sync with one another.

U.S. Border Patrol Agents risk their lives every day, only to see their efforts wasted because of a lack of detention space to hold those they have arrested for crossing our borders illegally.

Moreover, less than one thousand deportation officers are asked to manage and supervise hundreds of thousands of aliens every year who are in removal proceedings, and then, these same dedicated officers are asked to locate the same aliens after many years of lengthy appeals and stays resulting in a removal rate of 60% and a growing fugitive population of 400,000 and counting.

These are very real examples of when the enforcement continuum is out of sync or imbalanced. If the goal is to deter individuals from violating our immigration laws, we are not achieving that goal because the individuals suffer no consequence for their unlawful actions.

This is not just a DHS problem. DHS is not the only department that bears the responsibility for immigration enforcement. The Department of State and the Department of Justice have significant, vital roles in immigration enforcement. The removal of an alien from the United States is the "endgame" of immigration enforcement.

Daily, our foreign neighbors and allies are refusing to accept their citizens or nationals for deportation. Although, in the past couple of years there has been some success in negotiating with countries on individual cases, the State Department is reluctant to leverage the offending country's foreign or economic interest with the U.S. to resolve the repatriation stalemate. Nothing has been accomplished when repatriation of foreign nationals is handled as an isolated issue. Eventually, thousands of aliens, in particular, criminal aliens have been released back into our communities because of their countries unwillingness to accept them, and our countries unwillingness to sanction the offending countries. In order for the federal government to achieve effective immigration enforcement, the State Department must change their position on how to deal with this issue.

The Department of Justice, which oversees the Executive Office of Immigration Review (EOIR), has looked to improve their performance in regards to the court dockets. While I applaud their effort to improve the efficiency of the hearing process, I recall significant delays imposed by immigration judges in relation to adjudicating a case, as well as a case sitting before the Board of Immigration Appeals before they issue a decision against a defendant...often in this time, the illegal alien has fled and are now added to the more than 400,000 absconders who are currently being sought after for deportation.

Any improvement to reduce unnecessary delays in the courts and in the deportation process will-without infringing on the due process of individuals-only serve to enhance the government's ability to achieve effective and efficient enforcement of our immigration laws.

I am very appreciative of the Committee's effort to highlight this important issue. While much remains to be done in the immigration enforcement arena, I wish to applaud the men and women of law enforcement who daily must deal with this issue, led only by perseverance and the dedication to public service.

Thank you for the opportunity to testify before you today regarding this important issue. I welcome the opportunity to answer any questions that you may have at this time.